IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1072 (S/S) of 2006

Smt. Makani Devi,
W/o M. Bhandari,
Junior Assistant,
District Army Welfare and
Rehabilitation Office,
Nainital. **…..Petitioner**

V e r s u s

1. State of U.P. through the Secretary, Army Welfare and Rehabilitation, Uttaranchal.
2. Director, Army Welfare and Rehabilitation, Uttaranchal, Chandel Bhawan, Anjali Vihar, Ajabpur Kala, Dehradun.
3. District Army Welfare and Rehabilitation Officer, Dehradun.

…..Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri D.S. Mehta, learned counsel for the petitioner and learned standing counsel for respondents.

By means of this writ petition, the petitioner has prayed for the following reliers:

(a) Issue a writ, order or direction in the nature of Certiorari calling for the records and quashing the impugned transfer order dated 24.06.2006 (Annexure no. 1) and 17.07.2006 (Annexure no. 5) passed by respondent no. 1.

(b) Issue a writ or direction in the nature of Mandamus directing the respondents not to interfere in the working of the petitioner as Junior Assistant District Army Welfare and Rehabilitation, Dehradun till the pendency of the writ petition.

(c) *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*

(d) *award the costs of the petition in favour of the petitioners.*

Petitioner, who is working as Junior Assistant in the office of District Army Welfare and Rehabilitation, Dehradun, is aggrieved with transfer order dated 24.06.2006 passed by respondent no. 2 transferring her from Dehradun to Pauri.

Aggrieved with transfer order petitioner, preferred representation before respondent no. 2 on the ground that her husband is Government Servant working as Medical Officer, in Tehri and she has to look after her two minor children at Dehradun, where she is residing in parental house. The Committee, which has been constituted for consideration of transfer, recommended the matter of petitioner on 04.07.2006 for cancellation of earlier transfer order dated 26.06.2006.

Respondent no. 2 after obtaining the recommendation of committee has passed order dated 17.07.2006 by which the petitioner has been transferred from Dehradun to Haridwar. Petitioner has again represented before respondent no. 2 which is still pending. After making recommendation by the Committee, petitioner earlier transferred by which she was transferred to Pauri, has been cancelled and she has been transferred to Haridwar as per her own option, which is nearer to Tehri.

I do not find any force in the submission of learned counsel for the petitioner. In any case, if the petitioner is

aggrieved against second transfer order also she can make representation before competent authority and it is expected from the competent authority that they will take decision on the representation of the petitioner, if any, as early as possible.

With this direction writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 07, 2006
SKSharma